

A SHORT and TRUE

10 Ac

STATES

OF THE

190 h

AFFAIR

BETWIXT

H. D. M. J. W.

The RT. REVD. J--M--T, LORD

BISHOP of C--RK and R--SS,

AND

The REVD. M--m--d--ke D--ll--s, A. M.

W. Dallas

DUBLIN,

Printed in the Year, 1749.

STAFF

OF THE

APPEAL

THE

The Rev. James J. O'Rourke
Printer of the Appeal and Mass.

AND

The Rev. Mr. J. J. O'Rourke
D.D. A.M.

DUPLICATE

Printed in the Year 1790.

T O

THE most Revd. Their
Graces the Archbishops of *Ar-*
magh, Dublin, Cashell and
Tuam, and to the Right Revd. their
Lordships the several Bishops of the
Church of *Ireland*; as well as to the
whole Revd. and venerable Body of
the Clergy of the Church of *Ireland*,
Is this extraordinary Case most hum-
bly submitted, wherein they will
find Usage unknown to our Christi-
an Protestant Church, and be
Judges whether I have either con-
temn'd or disputed the Episcopal
Authority, or encouraged any Clergy-
man to deny the Obedience and
Respect due to his Bishop, and will
also see the Necessity of Publishing
this hard, unprecedented and severe
Treatment, in Vindication of

Your most humble

and obedient

Servant,

T O

THE most Revd. Their

I am the Archbishop of
Canterbury, and to the Right Revd. their
Bishops the several Bishops of the
Church of England; as well as to the
whole body, and venerable body of
the Clergy of the Church of England,
is this extraordinary and most hum-
bly submitted, wherein they will
find I have submitted to our Com-
munity, and the Church, and be-
lieves whether I have either con-
tained or disposed the Episcopal
Authority or encouraged any Clergy-
man to deny the Obedience and
Respect due to his Bishop, and will
also the Necessity of Publishing
this Book, unpresented and never
before in Vindication of

John Wall

and others

London

M. D.



To the Right R E V D. J E M M E T,
L O R D Bishop of *Cork* and *Ross*,
and to the Revd. Mr. Archdeacon
Crofton, Vicar-General, Judges of
the Consistorial Court of the Diocess
of *Cork*.

The Apology and Remonstrance of
MARMADUKE DALLAS, *Clerk.*

My L O R D and R E V D. S I R,

I H A V E acknowledged the Fact of Marrying
Mr. *Oliver* and Lady, by Licence obtain'd, in
a private House : And shou'd have attended
the Court to Day, but am indisposed in the
Country ; nor is my Personal Attendance necessary,
as my Friends have assured me in the Bishop's Name,
that Sentence is not to be pronounced this Day, but

only to be read and deliberated upon, in order to pass it, or not. And I think that you can consult about the Censure due to my Offence, much more decently in my Absence, than in my Presence. As I have now submitted the Censure, to the Judgment of the Court, I beg you will hear me in Alleviation and Extenuation of what I have done ; and permit my Civilian or Proctor to read in Court this my A P O L O G Y. And,

1st, I intreat, that Canon 52d may be read and duly considered, the Substance whereof is, *that no Minister, under Pain of Deprivation, or Degradation, shall, without Publication of Banns, three Sundays or Holy Days, marry any Persons in Churches, Chappels, private Houses or Places, without Faculty or Licence obtain'd.* I may misapprehend it, but I and many other Clergymen always understood, that upon Licence obtain'd, by this Canon Marriage might be celebrated in these Places by a lawful Minister, and according to the Form prescribed by the Established Church without Publication of Banns.

For a Faculty is a Licence from the Prerogative Court, and I never heard it doubted, but that by obtaining that, a Minister may marry in any Place, and at any seasonable Hour. And seeing a Licence is by this Canon, put upon an equal Footing with a Faculty, it might be by this Canon, as lawfully done by Licence, as by Faculty obtained.

I humbly apprehend that except these Words, *without Faculty or Licence obtained*, belong to the last, as well as the first Part of the Canon, it cannot possibly make Sense : For towards the End of this Part, follow these Words, *nor where Banns are thrice asked, before the Parties, &c.* and then the Canon runs clear and plain thus, *No Minister, &c. without Faculty or Licence obtain'd, shall marry in Churches, private Chappels, Houses or Places, without publishing of Banns three Sundays or Holy Days, nor where Banns*
have

have been thrice ask'd, &c. and pray why is not *without Faculty or Licence obtain'd*, repeated here again, as well as Publication of Banns, but because that in exhibiting Licences for Marriage, Securities are always taken for Consent of Parties, &c.

The Intent of the Canon proves this to be the Sense, which Intent is always declared in the Title of it, and accordingly, the Title of this Canon is, *Ministers not to Marry any Person without Banns*; no wonder then, that I with all or most of the Clergy understood, that by Licence obtain'd, Publication of Banns and Circumstances of Time and Place were dispensed with; and till the Authority of the Church determines otherwise, I know not who can take upon them to be Interpreter, and assure me that it is not so.

What confirm'd me in this Opinion, was the Universal Practice of all the Clergymen in the Kingdom, who made no Scruple to do so, not only without Censure, but even without the least Frown, Rebuke, or Displeasure from their respective Bishops. Is it to be imagin'd that the whole Body of the Clergy of the Church of *Ireland*, wou'd for a mere Compliment to the better Sort of People, venture certain Deprivation or Degradation, did they not take the Sense of the Canon to be, as I did, and still do, till farther Conviction?

But to put this matter beyond all Doubt and Dispute, the Church of *Ireland* has most expressly declared, that such a Marriage as Mr. *Oliver's* is not Clandestine, and has excepted me out of the Number of such Ministers as are to be prosecuted or punished for Clandestine Marriages, *Viz.* Canon 5th, the last of the five Canons made by the Church of *Ireland* with the Royal Licence and Sanction in the 10th of Queen *Anne*, and Year 1711, Entitled, *For the more effectual Prevention and Discovery of Clandestine Marriages.*

“ For the more effectual prevention of Clande-
 “ stine Marriages, we constitute and appoint that
 “ every Person who is Married Clandestinely, where
 “ neither Banns according to the Rubrick have been
 “ published, or Licence obtain’d; or where the said
 “ Marriage is solemnized by a Person not qualified
 “ by Law, or in any other Form than that which is
 “ prescribed by the Church of *Ireland* as by Law Es-
 “ tablish’d : And all that are present at such Mar-
 “ riages shall be obliged to do publick Penance :
 “ And that the Parties so Clandstinely Married, shall
 “ be obliged to discover the Person that Married, or
 “ pretended to Marry them, under Pain of Excom-
 “ munication ; from which they shall not be absolv’d,
 “ before they make such Discovery.”

My LORD and REVD. SIR,

I AM Libelled for a Clandestine Marriage, and yet
 it is as Evident and Plain, as that two and two
 make four, that by this Canon, Mr. *Oliver*’s Mar-
 riage by Licence obtain’d, solemnized by me a lawful
 Minister of the Church of *Ireland*, and according to
 the Form prescrib’d thereby, is excepted by the
 Church from Clandestine Marriages, and that I am
 acquitted by the plain and undoubted Judgment there-
 of, from all Prosecution and Punishment, altho’ I
 have acknowledged and submitted, for the sake of
 Peace, and in regard to the Episcopal Authority.

Your Sentence must be, can be founded on no-
 thing, but the new Libel and Articles exhibited
 against me, the Office Libels me for a Clandestine
 Marriage, and the Church expresly and explicitly de-
 clares Mr. *Oliver*’s no Clandestine Marriage, and that
 at a Time when the Universal Practice was to Marry
 in private Houses.

And

And will ye, can ye condemn, where the Church has fully and honourably acquitted me?

Give me Leave to observe, that it is more than a Century, since Canon 52d was published even in *Ireland*, so that it is Antiquated and Obsolete, because generally disregarded and not observed by the Clergy. It has lain dormant for more than our Age, and has been slighted by all the Ministers of the Church of *Ireland*. But this Canon 5th, 1711. is fresh and recent, and is but of about thirty seven Years Standing, it is the last Voice, the last Publick Judgment and Declaration of our Church, for it is the last Canon ever made by the Church of *Ireland*.

Canon 52d is Ambiguous and Obscure, and only seems by a forc'd Sense, to condemn me, but Canon 5th is plain, clear, full and express, and undeniably absolves me from Guilt or Punishment.

Let us suppose, that by a harsh and constrain'd Interpretation of Canon 52d, a Minister for a mere Circumstance may be ruin'd and degraded; and that a more candid and fair Construction of the words of a Canon, and more agreeable to it's Intent, may save him: I am confident that a Spiritual Court, where Clergymen preside and direct, and as such must be a Court, not only of Law, Justice and Equity, but also of Conscience, Tenderness and Charity. Such a Court wou'd certainly incline to the more Candid, Merciful, to the milder and more charitable Sense of the Words: Nay, Men of Candour and good Nature, wou'd be glad to force and strain ambiguous Words, and doubtful Language to an Equitable and candid Meaning, rather than oblige them, contrary to their Intent, to condemn a Brother to Infamy and Want, for a mere Circumstance of Place.

For God's Sake, are venerable old Walls and superstitious Ground, the Church of Jesus Christ, and do these make a Christian Congregation; is it not the Opinion of all reformed Divines and the Principle

ple of all *Protestant* Churches, that the Worship and Service of God, not the Stones and Ground, the pious Intent of Christian Men and Women met to adore God, and do him reasonable Homage, make the true Christian Congregation, wherever they are gathered together (as our Saviour tells us) in his Name ?

In a Word, Canon 52d was never obeyed or revered in this ill-natured and rigorous Sense, but constantly violated, neglected and discarded by all the Clergy ; but to Canon 5th, all the Ministers of *Ireland* have payed a constant, punctual, and unalterably strict Obedience. For blessed be God, few or none of the Ministers of the established Church are chargeable with what our Church defines to be clandestine Marriages.

I know it may be objected, that Licenses by their own Contents are to be executed in Church, and that a Licence not directed to me, was no Licence. But to this I answer, that the Wisdom of the Church has not, at least in this her last and latest Canon, reckoned Marriages in a private House Clandestine, nor has she made any such severe and damning Distinctions, with respect to the celebrating of Marriages, as that of Parish or not Parish Minister, a Minister directed to, and one not directed to, but both all our Acts of Parliament, and our Laws, as well as the Rules and Canons of our Church are satisfied, and to them, by their own declaration, it is enough, that the Marriage is solemnized by a lawful Minister, and according to the Form of the Establish'd Church. Our Church famous for Moderation, motherly Tenderness, and extensive Charity, knows no such Cruelties and Severities, and made her Canons for the Edification, not for the Destruction of her Sons of the Clergy, not to inveigle, ensnare and entrap, but to direct, conduct and preserve them.

them. Suppose that the Reverend Mr. Dean *Goldsmith* and his Curate, had been both Sick or necessarily Absent, and a Brother (as is usual) had performed the Ceremony for Mr. *Oliver* and Lady in their Absence, does that Brother deserve Degradation, because he is not Parish Minister, or because the Licence was not directed to him? God forbid.

It is also said, that I ought not to have officiated in the Diocese of *Cork*, or if I did, I ought not to have broke in upon its Rules, nor intrude upon the Reverend Mr. Dean *Goldsmith's* Parish without his Leave. In Answer to this, I reply, that I was not then legally inhibited; and if it was a Fault, I have publicly acknowledged and ask'd his Lordship's Pardon for it, and here repeat it again, that it was not in Contempt of his Lordship's Authority, that I married them, but to serve my Friend and Pupil, and to rescue him and Lady from the Rudeness of an indecent Mob, and that there was one, is notoriously known in *Cork*.

As to the Rules of the Diocese, I was deem'd by the Bishop an Alien and Stranger to it, I heard not his Lordship's Charge at the Visitation, given Surely to his own Clergy, not to me, nor knew I them certainly at that Time, therefore followed the Custom which I had seen Bishops, Deans, Dignitaries, and all Clergymen use, these many Years past, without Fear or Scruple.

The Reverend Dean *Goldsmith* was then forty or fifty Miles distant from his Parish, and on his Return, by a Letter to him, I made an Excuse for the unavoidable Incivility, and when I ask'd his Curate Leave, he either wou'd not, or perhaps cou'd not give it. Indeed, had I either enjoyed Cure or Benefice, under his Lordship, no Man shou'd have been more observant of his Rules than I. For, both Reason, Decency, and good Order, oblige every Man to conform
to

to the innocent Rules of that Society, whereof he is a Member.

Call this a Trespass, an Indiscretion, or Imprudent Act, or what you please. Yet sure it is not a Capital and Enormous Crime, a heinous Sin, Iniquity to be punished by the Judges, deserving the utmost Disgrace and Punishment which a Clergyman can suffer. I have Reason to believe that Mr. Dean *Goldsmith* as well as your Lordship, has accepted of my Acknowledgments, and in Regard to the Commands of our common Lord and Master, have both pardoned me. As he has recommended to St. *Peter* and all Clergymen and Disciples, to forgive our offending but returning Brother, not only Seven Times, but Seventy Times Seven in a Day; and has made our forgiving the Trespasses of others, the indispensable Condition of our Pardon with God, and consequently of our Salvation.

Others object that I did all this for Money. I answer, I made no Compact with Mr. *Oliver*, he gave me a Fee (as is usual) after the Performance was over, handsome enough for the Office: But not sufficient to bribe a Man to do an ill Thing. And I am sure, that had Mr. *Oliver* thought it sinful, or unlawful; he wou'd neither have desired or bribed me to it, for I hope that he has a better Opinion of me, than to apply to me, to do that for Money, which I could not do with a good Conscience.

Mr. *Oliver* is a Member of our Legislature, and has more regard to our Laws, than to be an open Violator of them, and is a Branch of a Family conspicuous for Religion and Probity, for inviolable Loyalty and Attachment to our Church and State, whose Father and Ancestors have been eminently distinguish'd for Honour, Integrity, and every amiable and social Virtue, and good Quality, which adorn the Christian, the Patriot, and the Gentleman, and which have justly recommended them to the

the peculiar Esteem of their Country, and of all worthy and honest Men.

But had I done it for a Fee, no Man of my Profession was ever more tempted by Distresses to do so. I have been, without Crime alledged, laid under fore and hard Restraints, denied that Exercise and Liberty of my Religion and Ministry, which our indulgent Laws grant, or connive at, in every Popish Priest, Methodist, or Quaker Woman; incapacitated to get by my Profession, so much as Ten Shillings to cloath and feed my Family and growing Children, all the Pains and Expence of my Education, and all the Labour and Study of my Life render'd barren and useles to Me: And a Man consecrated to the Altar, and serving at the Altar, not suffer'd to live by the Altar, but order'd to hold his Tongue, submit, and starve, lest he should offend. And since it has pleased Divine Providence, that I should have nothing by the Church, I endeavour by a slavish and laborious Imploy, to support myself and Family with Decency, that I may not fall under Contempt, thro' Poverty; or be tempted by it, to do any low or fordid Thing, unworthy of my Birth, Education, or Order, and that Industry may supply the want of that Bread, which rigorous and severe Usage deny me. Yet, blessed be God, these Discouragements have not hitherto tempted Me, to what the Church calls Clandestine Marriage, nor by the Grace of God shall. And my Family, and many of my Acquaintances know, that I have, even in Distress, refus'd large Fees and Offers, made by those who did not know me, with that Disdain and Abhorrence, which every honest Man shou'd.

If in this Marriage, God had been offended, or my Neighbour injur'd; if Parents and Guardians had been robb'd of their reasonable Consent; if Children had been encouraged to Disobedience, or
to

to deny that Duty to their Parents, which the Laws of God, Nature and Man require, especially in so important a Step, as the Disposal of themselves for Life; if Property and Fortune, had been fraudulently and injuriously conveyed; or had it been a Marriage whereby young unthinking People undo themselves, by rash, fatal, and unequal Matches; I shou'd be ashamed to look this Court, my Friends or Enemies in the Face. But on the contrary, in Mr. *Oliver's* Marriage, there is the Reverse of all this, and all that the Laws and Statutes concerning Wedlock, as well as all that the Rules and Canons of the Church about Matrimony require, and endeavour to procure, are fully attain'd, perfectly ascertain'd, and thoroughly secured in Mr. *Oliver's* Marriage; and to brand such a Marriage with the Infamous Name of Clandestine, is very hard and severe; and to prosecute a poor Clergyman so long with such Vehemence and Violence, for a mere Circumstance of Place, deserves a Name which I am unwilling to mention. Affliction and Persecution sours the Spirit and Temper, and make even a wise Man mad: But as I intend not to offend, I forbear; and hope it can't be taken amiss that I defend myself, and cannot but complain of the Pain and Smart, which I and my Family so sorely feel.

And thus, my Lord and Reverend Sir, I have delivered myself with that Simplicity, Openness and Candor, which becomes a Clergyman; and with that Freedom which always attends Truth and Innocence. The concurrent Opinion of my Friends, and the Assurance given me, of Safety and good Usage in this Court, united with my own Inclination to Peace, made me acknowledge the Fact and submit: And hope I shall not repent of it, but meet with the promised Tenderness and Regard, for a Brother but once offending, and now
acknow-

acknowledging and submitting. If I have given you much Trouble, where is the Clergyman in my Case, who wou'd not avoid a Sentence of Infamy, by all the fair Legal Methods, which the Wisdom and Excellency of our Constitution and Laws allow, in the lovely Subordination of Judicatures, and Redress from Superior Courts and Power?

I hope therefore, that the Reverend Court will, before they pass Sentence, in this unhappy Contest; 1st deliberate, whether Mr. *Oliver's* Marriage, as solemnized by me, is Clandestine or not? 2dly, whether I have by solemnizing it, incurred the great and heinous Penalty of Degradation? and 3dly, if it be found only a Trespass and Indiscretion, what Censure it deserves, besides Inhibition already inflicted on me for a Year? And I hope the Reverend Court will judge, that it becomes their Gravity, Dignity, and Esteem among Men, so to do, and not take a Sentence from a Lawyer's Draught of it.

To conclude, My Lord, and you the Reverend Vicar-General, consider seriously that you are to deliberate about a very solemn Affair, a Sentence unprecedented for such a Fault, a Sentence never pronounced, but on loose and dissolute Wretches, only on Men abandon'd to Vice, long incorrigible, and hardened in Immoralities: Often and in Vain reprov'd, and admonish'd by their Superiors, but who still continued a Reproach to Religion, a Scandal to their Order, and a Grief and Offence to all honest Men: Consider whether such a Sentence, carrying Infamy and Disgrace, Poverty and Beggary, is to be inflicted on any Man, for one Error in a small Circumstance. In fine, lay your Hand on your Hearts, and look up to that God who is to be the Judge of the Quick and Dead, and before whose Tribunal you and I, shall stand, and ask yourselves

selves this Question: Can I with a good Conscience ; consistent with the Honour of God and Religion : Can I without Shame before God and Man condemn my poor Brother to Disgrace and Infamy for an Action, which both I and all the Clergy of *Ireland* have often repeated without Scruple. God forbid ! God forbid !

So prayeth every One that wisheth well to the Honour of our Church, and the Credit of Religion, as well as

MARMADUKE DALLAS.

To the very Reverend the Dean, Chanter, Chancellor, Treasurer, and Archdeacon, and to the Revd. the Prebendaries, and whole Body of the venerable CLERGY of the Diocess of Cork, met in Visitation at St. Fin-Barry's Cathedral, April 12th, 1739.

Reverend FATHERS and BRETHREN,

TH E Right Revd. *Jemmet*, Lord Bishop of *Cork and Ross*, is highly offended and displeased with me, and has long prosecuted me, for the manner of marrying Mr. *Oliver* and Lady, because I asked neither the Leave of his Lordship, or of the Revd. Mr. Dean *Goldsmith*, and charges me with a Breach of Canon 52d, and for not observing the Rules of his Lordship's Diocess.

I therefore humbly and truly represent and remonstrate, that there was a notorious and indecent Mob, so that Mr. *Oliver* and Lady cou'd not go to Church with Safety and Decency : in which Distress, I not recollecting the said Canon, or believing it to be obsolete, because not observed and regarded by the Body of the Clergy of the Church of *Ireland*, and being ignorant of the Rules of the Diocess, married them in a private House, thinking I was warranted to do so by Canon 5th of the 10th of Queen *Anne*, 1711. not in Contempt of any Canon, far less of the Authority of his Lordship of *Cork*, which I revere : but to rescue my Friend, and Pupil and Lady, from the Rudeness and Insult of an indecent Mob. And as it was impossible for me to procure Leave either from his Lordship then in *Dublin*, or from the Revd. Dean *Goldsmith*, at that Time at *Athlone*.

I therefore humbly and earnestly intreat that your Revd. and Venerable Body will in Humanity, and brotherly Charity, intercede for me with his Lordship of *Cork*, and deprecate his Displeasure, and that he will accept of this, and the publick Acknowledgment I made to his Lordship in Court, the 7th of *March* last, and remit the Censure and Punishment, as it is the first, and shall be the last Fault.

And your Petitioner shall ever Pray, &c.

Reverend Gentlemen;

Your most obedient

Faithful and humble Servant

Cork, April
12th 1749.

and Brother;

MARMADUKE DALLAS.

P. S. Soon will be publish'd, The Case of *Marmaduke Dallas* Clerk, with all the Original Papers and Letters, as well as Reasons and Arguments from Canons, Civil and Statute Law relating to it.

A
LETTER

From a GENTLEMAN in

C O R K,

To a NOBLE

L O R D

I N

D U B L I N;

About a SENTENCE of

DEGRADATION.

D U B L I N:

Printed in the Year, 1749.

B

A

LETTER

FROM

CORR

TO

FOR

IN

DUBLIN

AND

DEGRADATION.

DUBLIN

Printed in the Year 1719

D



A
L E T T E R,

From a GENTLEMAN in

C O R K, &c.

My L O R D,

YOUR Lordship desires from me, a short, true, and candid Account of the Prosecution of the Reverend Mr. *Dallas*, since the 3d of *March* last, and as I shall refer your Lordship to the State of his Case soon to be published, for the reasoning and argumentative Part of it, I shall here give your Lordship only a brief Relation like a Journal, without Observations or Arguments; and leave the Facts to the impartial Judgment of your Lordship, and the World.

On *Friday March* 3d, 1748-9. Tho' Mr. *Dallas* was neither in, or before the Court, nor served with any Notice from the Court, or Citation to appear,
J———t L———d B——— of C——— produced

a new Libel and Articles against Mr. *Dallas*, and caused them to be read ; upon which one Mr. *Hanning*, Register of *Cloyne*, tho' not employed, or having Proxy for either Party, stood up to direct the Court, and told them, that these Proceedings were illegal against a Man not in, nor before the Court : Whereupon they were erased and amended, and no Record entered of such Libel and Articles being exhibited, but a Citation ordered for Mr. *Dallas* to appear personally on *Tuesday* following, to which Day the Court was adjourned,—a much shorter Day than usual.

Saturday, March 4th, Mr. *Dallas* understanding by what he had studied of the Civil Law, that it allows any Man arraigned before a suspected Judge, to refuse Him, and to provoke or call upon the next immediate superior Judge, and that Notice must be given of this Intent immediately ; and, if possible, before receiving Citation, to the Judge by Letter.—Which Mr. *Dallas* did, in the following Letter, delivered at his L——p's House to a Clergyman by his Servant.

To the R—t R——d J——t, L—d B——p of
C—k and R—fs.

“ I Hope your Lordship will not take Offence at
 “ this Intimation which Law obliges me to give
 “ your Lordship. As I revere the Episcopal Of-
 “ fice, and have all due Regard for your Lordship
 “ in particular ; I am most averse to any thing that
 “ may but even seem to give Offence : But, my
 “ Lord, Self-defence and Preservation is one of the
 “ first and most evident Principles of Nature ; and
 “ seeing I have offered any reasonable Submission to
 “ your Lordship, but all in vain ; I am confident
 “ that your Lordship will not take this legal Step
 “ amiss, as not intended to offend your Lordship,
 “ but

“ but defend myself. And that I ought to do so
 “ and give this Notice, I refer your Lordship to
 “ the best and most modern Author who has wrote
 “ on Ecclesiastical Courts, *viz.* Dr. *Oughton* in his
 “ Treatise, Titles 269, 270, 271, 272, &c.

“ I therefore humbly signify to your Lordship,
 “ that whereas I am certainly informed, that your
 “ Lordship intends to proceed against me, in your
 “ Consistorial Court of C—, and that I am to be
 “ cited to appear before said Consistory Court soon;
 “ I provoke from your Lordship, and said Con-
 “ sistorial Court of C—, as a Judge by me suspected,
 “ and (with all due Deference to your Lordship)
 “ too partial in a Cause, wherein your Lordship is
 “ Judge, and publicly known to be Prosecutor and
 “ Plaintiff; and from whom, and by whose Means
 “ I have already suffered greatly in my temporal and
 “ spiritual Concerns: I therefore refuse your Lord-
 “ ship as a competent Judge, and put myself under
 “ the Tuition and Protection of his Grace, The
 “ most Reverend Father in God, *Arthur*, Lord
 “ Archbishop of *Cashel* our immediate Superiour,
 “ and provoke to his more impartial and indifferent
 “ Judgment and Decision.—And this I signify to
 “ your Lordship, before I have been served with any
 “ Citation to appear before your consistorial Court.
 “ —Witness my Hand this 4th Day of *March*,
 “ 1748-9.”

My Lord,

Your Lordship's most obedient,

Humble Servant,

MARM. DALLAS.

On *Monday, March* 6th, and *Tuesday* Morning,
 many Friends applied to Mr. *Dallas* to go to the
 Court, and acknowledge the Jurisdiction of the B---p
 of C—, drop the Renunciation of the Judge, to
 own the Fact, and make a Submission to the B---p

of C— for the Offence of officiating without his Leave, and breaking thro' the particular Rules of his Lordship's Diocess; promising him Safety and good Usage in the B---'s Name, and particularly Mr. Dean *Meade*, as he afterwards own'd before the B---p in the public Visitation: And finding this Method warmly recommended, and believing it kindly intended by his Friends Mr. Dean *Meade*, *Philip Oliver*, Esq; *Robert Travers*, Esq; Mr. *Christopher Carleton* and others, urging him to comply with the B---p's Proposal by them, and knowing their Honour, Veracity and Probity, promised to do so—And accordingly, *March 7th* being Court Day, Mr. *Dallas* went, acknowledged, confessed and submitted, with which the Bishop seemed well pleased, and adjourned the Consideration of passing Sentence on his Offence, till that Day se'night. And immediately after Court, Mr. *T—m—s Al—n*, Proctor of Office, came to Mr. *Dallas*, and in the Bishop's Name, and by his Command, told Mr. *Dallas*, that his Lordship who was truly a good-natur'd Man, and had a great Tendernefs for said *Dallas*, bid him that Minute, for fear Mr. *Dallas* should be uneasy, not to be apprehensive or any way alarmed at the Adjournment of the Court for Sentence, for that it was only Form, and before the People present, and that he need not attend, or come on *Tuesday*, but be easy and mind his School, and that not an Hair of his Head should be touched, or Words to that Purpose; which he often repeated before *Robert Travers*, Esq; Mr. *Thomas Beamish*, Attorney, Mr. *John Connor* and others.

Tuesday, March 14th. The Court met, but neither the B——p or Mr. *Dallas* were there.

In two Days afterwards Mr. *Dallas* was greatly allarm'd to hear, that the B——p of C— affirmed that he neither promised or encouraged any Body to promise Pardon or Favour to Mr. *Dallas*, That
he

he would degrade him upon his Confession, That a Sentence of Degradation was prepared against him ; and what confirmed Mr. *Dallas* of the Truth thereof, Mr. *Al—n* Proctor verbally admonished, or told Mr. *Dallas* before Mr. *Travers*, and Mr. *Connor* aforesaid, in the B—p's Name to appear at St. *B—ry's*, *March* 30th, (which I suppose was a Mistake for the 31st.) and hear Sentence of Degradation.

On the four or five following Days, Mr. *Dallas*, being justly surpriz'd and mightily alarmed, gave Notice of what he heard to Sir *John Freke* and his Lady, to Mr. Dean *Meade*, Counsellor *Crips*, Mr. *Oliver*, Mr. *Travers*, Mr. *Carleton*, and others, during the Time of the Assizes in C——. And,

On *Easter Sunday* Morning went to *Garry-Cloyne* where he had officiated ever since *May* 29th 1748, to do Service and administer the Sacrament. And as it rain'd hard, he took Cold and accepted of the kind Invitation of the Hon. Mrs. *Jefferyes*, to stay at her House that Week, and not venture out, seeing he was obliged to officiate the *Sunday* following, for it was Vacation from School, and he was not well.

March 31st, Court Day, Mr. *Dallas* being at Mrs. *Jeffery's*, and having Intelligence, that the Bishop intended to degrade Him, if he appeared that Day in Court, and that the Rev. Dean and other Dignitaries of C—— were served with Notice, to be present and assist ; as he was not cited regularly, or in writing, and was indisposed, did not, nor could not in Safety go to Town to Court, but sent in his Apology and Remonstrance, the same, with a very little Addition to it, with that published by Mrs. *Pilkington* at *Cork*, on *Wednesday April* 12th, 1749. Accordingly he was called on in Court, and upon Mr. *Beamish*, his Proctor's telling the Court, that he was attending the Cure of *Garry-Cloyne*, and

ill of a Cold at *Blarney*, the Bishop called on Mr. *Hanning*, Register of *Cloyne*, who said that he knew nothing of his having then, or at any Time lately officiated in that Parish, that he had no Cure, Call, or Business there, or Words to that Effect. Whereupon Mr. *Beamish* was charged by the Bishop with telling a Lye in the Face of the Court, menaced to be silenced and turned out from being a Proctor in that Court, because that Insinuation tended to render null and void all the Proceedings in the Cause; and Mr. *Dallas*, at the Motion of the Proctor of Office, was ordered to be cited peremptorily against next Court Day.

Then the B——p of C—— made a long Speech, shewing the heinousness of Mr. *Dallas's* Crimes; and particularly observed, that all the Heresy and Schism, all that the Devil or Art of Man had contrived, could not come up to this of Mr. *Dallas*; next, he inveighed against the abusive Language of the aforesaid Apology, but in the End said, that as the Visitation of the Diocess interven'd before the next court Day, he would take the Advice of his Clergy then. And after interrupting Counsellor *Crips*, and his Civilians and Proctor, and hindering and forbidding them to speak, adjourned the Court till the 14th Day of *April*.

April 11th, The Evening before the Visitation, Mr. *Oliver* came to Mr. *Dallas's* House, and gave him a Paper to read, delivered to him by the B—p of C——, as the only Terms of his Pardon for his Crimes; who having read it, said, his Reason, Conscience and Character, would never permit him to think of, or deliberate about it, but that for Peace's Sake, he would alter some Things in the Bishop's Paper, and make a Submission as low as he possibly could, and sent a Draught of a Submission to the Bishop by Mr. *Oliver*.

Wednesday,

Wednesday, April 12th. Day of the Visitation :
The Clergy met, and at the End of it Mr. *Dallas* stood up and offered his Submission, which, whether it was a reasonable one or not, Mr. *Dallas* leaves to your Lordship and the Public to judge, and is as follows.

“ I *Marmaduke Dallas*, of the City of *Cork*, Clerk,
“ do in the Presence of the L——d B——p of
“ C——, and R——s, and the whole Body of
“ the Clergy, met this Day in Visitation, solemnly
“ and truly declare, that it was not in Contempt of
“ the Authority of his Lordship the Bishop, that I
“ married Mr. *Oliver*, and *Lady*; and that I revere,
“ with all Duty and Regard both the Canons and the
“ Episcopal Office; but that as the B——p of C—
“ was then in *Dublin*, and Mr. Dean *Goldsmith*,
“ at *Athlone*, I could not possibly ask or obtain
“ their Leave in that Emergency. I am heartily
“ concerned for the Offence given to his Lordship,
“ and sincerely promise that it shall be the last.

“ I Solemnly declare, that I do believe myself
“ under the Authority and Jurisdiction of the B——p of
“ C—, while I live here; and that the affirming the
“ contrary was wrong, and only a Plea offered by
“ my Lawyers. I earnestly desire that my Offence
“ may not be understood to have proceeded from
“ Presumption or Contempt; and that my wrong
“ Example may not give Encouragement to any
“ Clergyman, to follow an erroneous and inconsiderate Precedent.

“ I do here in the Presence of God, and of the
“ Clergy met in Visitation, declare that I am very
“ sorry for the Offence given by me to his L——p
“ of C— and R——s, or any of the Clergy offended thereby; and engage for the future to make
“ all the amends I am able; to be a remarkable example for dutiful Compliance with the Ecclesiastical
“ tical

“ tical Laws, the Discipline of the Church, and the
 “ Direction of my Superiors.

“ I do particularly engage not to officiate or ex-
 “ ercise any ministerial Function in the Dioceses of
 “ *Cork* and *Ross*, without the Permission of the
 “ Bishop of these Dioceses. And that also, where-
 “ ever I am allowed to exercise my Ministry, I will
 “ regulate my Conduct therein, according to the
 “ Directions of the Bishop of the Diocese, where
 “ they are not contrary to good Conscience, or the
 “ Laws of the Church or State. And of this my
 “ unfeigned Concern and sincere Acknowledgment
 “ of my offensive Conduct, and unfeigned Sorrow
 “ for it ; and of my firm Purpose of future Obe-
 “ dience, I desire all Clergymen and others present
 “ in this Visitation to take Notice, and bear Wit-
 “ nesses. I sincerely, and heartily of my voluntary
 “ Choice, declare this openly, and by the Grace of
 “ God will confirm the Truth of it, by my future
 “ Conduct and Life.

The B—p of C— after this was read, said, This was nothing, and he would not, could not accept of it : And a Paper was handed to Mr. *Dallas*, which the B—p said, he would accept of, as the only Terms to prevent his Ruin and keep his Gown on : And this was the same identical Paper which Mr. *Oliver* had shewed Mr. *Dallas* the Night before ; and I believe, your Lordship and the World will be curious to see it, (for it is a Curiosity) and I am sure that since the Days of Queen *Mary*, never were such hard Terms imposed, and that in a Land of Law and Liberty, on a Gentleman, a Scholar, and a Clergyman. And here it is as I got it.

“ I *Marmaduke Dallas*, Clerk, do here take this
 “ Opportunity in the Presence of God, and of this
 “ Congregation, to declare my full Conviction of
 “ the Crime I have committed in marrying *Philip*
 “ *Oliver*, Esq; and his Wife in a private House in
 “ the

“ the Diocess of C—, without either the Banns be-
 “ ing first duly published, or any License granted
 “ to me, contrary both to the ecclesiastical and tem-
 “ poral Laws, to the express Direction of the Bi-
 “ shop, and to the settled Practice of this Diocess
 “ for a considerable Time before. I do acknowledge
 “ that it was a high Aggravation of this my Crime,
 “ that I committed it after I had been forbid by
 “ the Bishop, to do any Duty whatsoever in his
 “ Diocess, and after I had been warned of the Crime
 “ and Danger the Day before I did it, by the Curate
 “ of the Parish.

“ I do acknowledge, that when in the publick
 “ Court I justified this my Conduct, and read an In-
 “ strument signed by me, in which I denied that
 “ the Bishop had any Right to enquire into, or cor-
 “ rect this my Crime; I did thereby advance a
 “ Doctrine, very injurious to that Authority, with
 “ which the Bishops of Christ's Church are invested
 “ by the holy Scriptures, which they have exerci-
 “ sed since the first Institution of the visible Church,
 “ and which have been confirmed to them by the
 “ ecclesiastical and temporal Laws of this Realm.
 “ —And I am truly sensible of the great Mischief
 “ that would attend the establishment of this Doc-
 “ trine. I do also confess that after I had acknow-
 “ ledged the Fact with which I was charged, and
 “ had submitted to; and promised to obey the Sen-
 “ tence of the Law, and had been admonished in
 “ Person by the Bishop himself to hear Sentence;
 “ I could have no hopes of any Mercy and Compas-
 “ sion, but by declaring myself ready and desirous
 “ to make any Amends for my past Conduct, in
 “ the most exemplary Manner; by the most public
 “ Submission, and Marks of Penitence, and the
 “ strongest Promises of dutiful Behaviour to my
 “ Superiour for the future.

“ But I do own, that contrary to all this, I did
 “ in most unbecoming and indecent Manner, by
 “ that

“ that Petition which I presented to the Bishop,
 “ and which I desired my Proctor might be ad-
 “ mitted to read, undertake the Justification of all
 “ I had done and said ; and that I did therein, both
 “ directly and by Insinuation, treat the Bishop,
 “ and the Canons of the Church, very disrespect-
 “ fully, before a great Number of the Clergy,
 “ and that the Substance of that Petition is false
 “ and scandalous, and did shew me to be such
 “ an incorrigible Person, as to have no Pretence
 “ for extending any Mercy or Compassion towards
 “ me: And I do acknowledge that for all these ag-
 “ gravated Offences, should the Bishop proceed to
 “ degrade me, he would but act according to Law
 “ and Justice. Now, from a full Conviction of
 “ these my Crimes, and being willing, as far as in
 “ my Power, to make a public and ample Amends
 “ for them, and to prevent the Infection of such an
 “ Example of perverse Opposition to the Ecclesiasti-
 “ cal and Temporal Laws, and to the Episcopal
 “ Authority: I do here in the Presence of God,
 “ and of this Congregation, declare my full Con-
 “ viction of these my Crimes; and sincere Penitence
 “ and hearty Sorrow for this my past Conduct;
 “ and do promise for the future, to make all the
 “ Amends I am able, and to be as remarkable an
 “ Example for dutiful Compliance, with the Ec-
 “ clesiastical Laws, the Discipline of the Church,
 “ and the Directions of my Superiors, as I have
 “ been of the contrary. I do here particularly de-
 “ clare, that I will not officiate as a Minister of the
 “ Church of Christ within the Dioceses of *Cork* and
 “ *Ross*, without the Permission of the Bishop of
 “ these Dioceses ; and also. that wherever I am
 “ allowed to exercise my Ministry, I will regu-
 “ late my Conduct therein, according to the Di-
 “ rections of the Bishop of the Diocese, where
 “ they are not contrary to good Conscience or the
 “ Laws

“ Laws of the Church or State. And of this my sincere Acknowledgment of my criminal Conduct, of my unfeigned Penitence for it, and of my firm Purpose of Reformation, I desire this Congregation to bear Witness. I do here ask Pardon of God, for having thus given such offence in his Church by my Conduct, and I do humbly implore his Assistance to enable me steadily to adhere to my firm Purpose of Amendment, to the End of my Life.”

Mr. *Dallas* said that these were hard Terms, that it was a Shame to be guilty of Crimes, but no Shame when guilty to confess ; that he was open to Conviction, and if his Lordship would convince his Reason and Conscience that he was guilty of all the Crimes confessed in this Submission, he would submit. The B——p answered he would take no Pains with him, but gave him one precious half Hour to consider and save himself from utter Ruin, and before that expired, to promise to read this Submission in the Cathedral Church of St. *Barry's* in Time of Divine Service.

Then the Body of the Clergy, by whose Advice the B—— of C—— said in his Court *March 31st*, he was to be determined, declaring it their Opinion, that Mr. *Dallas* for the Fact charged against him did not deserve Degradation, and that the Submission offered by him was sufficient, and alas ! too great for his Fault : And some eminent Clergymen calling to their Brethren that the Man should speak out, that would in Conscience say ; whether Mr. *Dallas* for the Fact charged, deserved Degradation, or ought to submit to the Paper now read and proposed ; and no Body offering to stand up and own it, the B——p said he knew the Crime well, and what it deserved, and wanted not Advice on that Head, and so broke up and adjourned the Visitation.

Friday, April 14, the Consistorial Court Day. Mr. *Dallas* receiving Cautions that he must be on his

his Guard, for that a Sentence of Degradation would be pronounced against him that Day *vix* & *modis*, by Force or Fraud, which he communicated to his Civilians, went to the Office of the Consistory Court of C— about Nine in the Morning, and before, and in the Presence of Mr. T— W—s Register and Notary Public, and the two signing Witnesses, lodged his Protestation for Renunciation of the Judge, and, in Case of Refusal, protested to provoke or appeal to *Cashel* two or three Hours before the sitting of the Court. This Protestation is as follows.

“ The Protestation of *Marmaduke Dallas*, Clerk,
 “ lodg’d in the Office of the Consistorial Court of
 “ *Cork*, *April* 14th, 1749. Whereas I *Marmaduke Dallas*, Clerk, did (as soon as I knew that
 “ new Articles and a Libel about clandestinely marrying *Philip Oliver*, Esq; and *Lucy Gray*, Spinster, were presented against me, by said Office,
 “ *March* the 3d, 1748) give Notice by a Letter to
 “ J—t, L—d B—p of C—k and R—s, That
 “ (with all Deference) I could not stand a Trial before a Judge so notoriously partial, and not competent, and indifferent, in a Cause where his
 “ Lordship was the sole Party, the Prosecutor, and
 “ only Plaintiff; the only Person who was, or pretended to be, offended in this Suit; and had resolved on the first Court-Day, to demand the
 “ Benefit of said Renunciation, and to demand Arbitrators.

“ But the Rev. Mr. Dean *Mead*, Sir *John Freke*,
 “ Bart. the Lady *Freke*, Counsellor *Crips*, Counsellor *Mead*, Mr. *Richard Donovan*, *Philip Oliver*,
 “ Esq; *Robert Travers*, Esq; Mr. *Christopher Carleton*, Merchant, in *Cork*, and Others, joined to
 “ persuade me to drop that Renunciation, and submit to the Authority and Court of said B—p of
 “ C—k, to confess the Fact, and leave the Censure
 “ to

“ to the said Bishop and Court ; giving me full Assurances, which they had either from the Bishop’s own Mouth, or Persons impowered by the said Bishop, to give me such Assurances by a third Person ; and as they were all Persons in whose Honour and Faith I could safely confide, I complied, submitted and confessed.”

“ Now, whereas I find that I was greatly imposed on, and deluded in this Matter, and that I am not only far from reaping any Benefit from my humble Submission, but that I am in great Danger ; for, contrary to the Advice and Opinion of the Body of the Clergy of this Diocese, met in Visitation, he menaced, that he would degrade and ruin me.

“ I therefore protest, that I may be allowed to withdraw my Confession and Submission, made on *March* 7th, 1748, to said Bishop and Court, because it was fallaciously and fraudulently obtained, which I can prove. And I do hereby renounce the said *J—t*, *L—d B—p* of *C—k* and *R—s*, as my Judge, because that, with all Reverence to his Lordship, he is my open and avowed Enemy ; having by his Inhibitions, without Cause, hindered me from the Exercise of my ministerial Function, and deprived me of the Cure of *St. Paul’s*, when I was named by the Rector of the said Parish, and unanimously chosen and requested by the Parishioners : Because he is also the sole Plaintiff and Prosecutor in this Cause, he is my violent and declared Enemy, and is notoriously known to have prosecuted me with great Expence and Violence in *Cork*, *Cashel*, and *Dublin*, seeking my utter Undoing ; he has also hurted me greatly in my Name and Fame, as well as in my spiritual and temporal Concerns. So that, with all Reverence, he is not an impartial,

“ fair

“ fair and candid Judge in this Matter, and seems
 “ to have Views to recover the Expences and Pains,
 “ laid out to destroy me ; so that I have Reasons to
 “ suspect that he cannot be an indifferent, unprejudi-
 “ ced, and disinterested Judge in this Affair ; and as
 “ such I renounce said *J——t*, *L—d B—p* of *C—k*
 “ and *R—s*, to be my Judge, who ought, in Mo-
 “ desty, to decline it of himself. And I do here-
 “ by nominate the Rev. Mr. Dean *Goldsmith*, the
 “ Rev. Mr. Archdeacon *Reader*, and *Nicholas Weeks*,
 “ Esq; Counsellor at Law, as Arbitrators on my
 “ Side ; and demand and require said *B—p* of
 “ *C—k* and *R—s*, to nominate his Arbitrators,
 “ which, if he does not immediately, I provoke to
 “ our next immediate Superior his Grace, *Arthur*,
 “ Lord Archbishop of *Cashel*, and unto his Grace’s
 “ Protection, my Person, Fame, Goods and all my
 “ spiritual and temporal Concerns I commit. Given
 “ under my Hand this 14th Day of *April*, 1749 ;
 “ and lodged before Witneses, in the Office of the
 “ Consistorial Court of *Cork*, the same Day.

MARMADUKE DALLAS.

Present,

Edward Daunt,

William Dawson.

Observe that on the Back of the Original, lodged
 in the Office, it is marked by the Office, *Lodged*
about Ten of the Clock : Observe also that he did not
 apply to the Arbitrators named by him, for he
 thought they ought to be quite disengaged, unpre-
 judiced, and disinterested.

After this Protest was lodged, Counsellor *Crips*,
 Counsellor *Dring*, Mr. *Oliver*, and Mr. *Dallas*,
 were from Ten of the Clock, or sooner, in, or about
 the Church and Church-Yard of St. *Fin Barry*, and
 the Proctor Mr. *Beamish* from a little after Eleven,
 and

and were never out of a very short Call of the Court, waiting for the End of divine Service, and the People's coming out of Church, and the coming of the B—p to Court (as we thought) though he had been some Hours (as we afterwards found out) privately and secretly there; and the Sexton, Apparitor, Verger, &c. denied that he was in Church when we asked them. In the mean time, Mr. Archdeacon *Crofton*, Vicar-General, applied from the B—p to Counsellor *Crips* (whom the B—p knew to be Mr. *Dallas*'s Civilian, and saw in the Church-Yard from a Window in the Vestry, where the said Bishop was concealed from us,) to know his Opinion, whether Suspension, laid on by the Bishop of *Cork*, would extend to another Diocese, as well as his own? To which he answered, it could not. Next, whether he could enforce a Penance, if he should enjoin it? To which he answered, that he could not, for Mr. *Dallas* was not guilty of any Crime. And when Counsellor *Crips* asked the Vicar-General, whether he came with these Questions from the Bishop? He said, he did. Then Mr. *Crips* desired the Vicar-General to let the Bishop of C— know, that he intended to move upon the sitting of the Court that Day, to withdraw the Submission which Mr. *Dallas* had made on *March* 7th, that he might be at Liberty to take his Defence in the Cause; and that, in Case his Lordship refused it, Application would be made to the King's Bench, in Behalf of Mr. *Dallas*, in order to attach the B—p; and desired the Vicar-General to inform the B—p of it, which Message the Vicar-General (as Mr. *Dallas* is well informed) literally delivered to the Bishop before the sitting of the Court. Upon receiving Mr. *Crip*'s Message by the Vicar-General, and while Mr. *Dallas*'s Civilians were deliberating about the Subject Matter of the Bishop's Message, and were thus amused, several People came running out of Church, with Wonder

and Surprize, and cried out, “ What are ye doing
 “ there! the Bishop has pronounced Sentence of
 “ Degradation on Mr. *Dallas* for Contumacy, while
 “ ye are all here at the Door, and Mr. *Dallas* not
 “ in Court.” Then we found that as soon as Mr.
Crips’s Message was delivered by the Vicar-General,
 before Divine Service was over, after which the
 Court always usually sits, and not before it is done;
 the Bishop went in Haste out of the Vestry-Room
 into Court, and, on entering the Court, ordered Mr.
Dallas’s Cause to be called on first, though there
 were several Causes before it in the Court-Book;
 and having ordered Mr. *Dallas* to be called; and
 Mr. *Dallas*, his Advocates, and Proctor, not ap-
 pearing in Court, as they could not imagine that
 the Court was then sitting, Divine Service not being
 over, Mr. *Dallas*, his Advocates, and Proctor,
 waiting near Church, till the usual Time of the
 Court sitting; the Proctor of Office, Mr. *Alleyn*,
 (though he well knew that Mr. *Dallas*, his Advoca-
 tes, and Proctor, were then just outside of the
 Church, and about four or five Minutes before
 walked by, and particularly saluted Mr. *Dallas*,)
 moved that Mr. *Dallas* might be declared contuma-
 cious, and in Pain of his Contempt, that Sentence
 of Degradation might be read: And accordingly
 the B—p began to read the Sentence with great
 Rapidity, till the aforesaid Mr. *Hanning* interrupted
 his Lordship, and said the Sentence was not filled
 up. The B—p replied, that it might be filled up
 after he pronounced it, and would have proceeded
 before Sentence was filled up, had not Mr. *Hanning*
 informed his Lordship, that, filling it after Sentence,
 would occasion a Nullity; upon which the Bishop
 desisted, till said Sentence was filled, and then be-
 gan to read the Sentence, at the Part where he left
 off, on Mr. *Hanning*’s Interruption. The whole
 Affair was transacted in the Space of five or six Mi-
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notes. This Sentence was signed by the Rev. Dr. *St. John Brown*, Brother to the Bishop of *Cork*; the Rev. Mr. *Peter Waterhouse*, Brother-in-law to said Bishop of *Cork*; the Rev. Mr. *Samuel Broom*, Brother-in-law to Mr. *Waterhouse*; and the Rev. Mr. *Thomas Millard*, Cousin-German to the Bishop of *Cork*.

After this, Mr. *Beamish*, Proctor for Mr. *Dallas*, moved that the Recusation and Provocation lodged, as aforesaid, might be inserted in the Acts of Court, and exhibited a Proxy under Mr. *Dallas*'s Hand and Seal: And also moved that it might be inserted in the Acts of Court, that the Advocates, Proctor, nor said Mr. *Dallas*, were present when said Sentence was read, though attending more than two Hours at the Door. And it was also insisted on Behalf of Mr. *Dallas*, that as the said Recusation and Provocation was lodged, as aforesaid, before the sitting of the Court, his Lordship ought not to have proceeded to Sentence—but All was rejected.

And thus, my Lord, so solemn a Sentence was pass'd on a Clergyman, in the Space of four or five Minutes, in the Time of Divine Service; while he, his Advocates and his Proctors, were in, near, and about Church, for two or three Hours, waiting to be called: But whether such a Sentence is null and void, or firm, and lasting, Time will shew—I shall conclude all, by reciting the Canon which directs how Degradation is to be solemniz'd, viz. Canon 71st, entituled,

“ No Sentence of Deprivation or Deposition to
“ be pronounced against a Minister, but by the Bi-
“ shop.

“ When any Minister is complain'd of, in any
“ Ecclesiastical Court, belonging to any Bishop, for
“ any Crime; the Chancellor, Commissary, Offi-
“ cial, or any other, having Ecclesiastical Jurisdic-
“ tion (to whom it shall appertain) shall expedite

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“ When any Minister is complain'd of, in any
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“ any Crime; the Chancellor, Commissary, Offi-
“ cial, or any other, having Ecclesiastical Jurisdic-
“ tion (to whom it shall appertain) shall expedite

“ the Cause, by Proceſſes, and other Proceedings
 “ againſt Him; and upon Contumacy for not ap-
 “ pearing, ſhall firſt ſuſpend Him, and afterwards
 “ (his Contumacy continuing) excommunicate Him.
 “ But if he appear and ſubmit himſelf to the Courſe
 “ of Law, then the Matter, being ready for Sen-
 “ tence, and the Merits of his Offence, exacting
 “ by Law, either Deprivation from his Living, or
 “ Depoſition from his Miniſtry, no ſuch Sentence
 “ ſhall be pronounced by any Perſon whatſoever,
 “ but only by the Biſhop, with the Aſſiſtance of
 “ his Chancellor, the Dean, (if they may conve-
 “ niently be had) and ſome of the Prebendaries, if
 “ the Court be kept near the Cathedral Church;
 “ or of the Archdeacon, if he may be had conve-
 “ niently, and two other, at the leaſt, grave Mini-
 “ ſters, and Preachers, to be called by the Biſhop,
 “ when the Court is kept in other Places. It is
 “ likewise ordered, that no Chancellor, Commiſſary,
 “ Official, or any other Perſon, ſhall exerciſe any
 “ Eccleſiaſtical Jurisdiction over a Miniſter in Cau-
 “ ſes criminal, except he himſelf have been admitted
 “ into the Holy Orders of Prieſthood.

I am,

My Lord,

Your Lordſhip's moſt faithful,

Humble Servant.

PHILEIRENICOS.

Cerk, April 15th, 1749.

THE
ANSWER
OF A
Noble LORD in DUBLIN,
TO A
LETTER
FROM
A GENTLEMAN in CORK,
Concerning a late Sentence of
DEGRADATION.

St. LUKE, Chap. 9. Ver. 22.

*Out of thine own Mouth will I Judge thee, thou wicked
Servant.*

Ecc. Chap. 10. Ver. 8.

*He that diggeth a Pit shall fall into it, and whoſo breaketh an
Hedge, a Serpent ſhall bite him.*

D U B L I N :

Printed in the Year, 1749.



THE
ANSWER, &c.

DEAR SIR,

I Am infinitely obliged to you, for the Light you have given me into the *Affair* of Mr. D-ll-s; your Manner of telling the *melancholy Story* seems to me as *plain* and *distinct*, as it is *succinct* and *brief*. And I know I can depend upon the *Veracity* of whatever comes from you.

A Degradation of a *Protestant Clergyman* is a very *rare* and *uncommon Thing*, and for Mr. D-ll-s to have been so treated, for a mere *Trespass*, without the least Charge of any *Immorality* laid against him; to have been so shamefully disgraced for a Fault, which, if it is one, must involve the whole *Learned* and *Reverend Body* of the *Clergy* of the *Church of Ireland*, who generally celebrate *Marriage* throughout the *Kingdom* as Mr. D-ll-s did in the *Marriage* of Mr. Ol-ver and his *Lady*, is, to us, in *Dublin*, extraordinary, surprizing, and alarming.

Now that this should be done by a *Protestant B—p*, who, at least, cannot be said to be remarkably *superior* to his *Brethren* of that Order, nor *eminently* distinguish'd
above

above them, for Knowledge of Law, Divinity or Liberal Arts, and whose known Occupations of a more busy and active Life, afforded neither Time or Leisure, to consider such Things, this I say, affords to us in this Place, greater Astonishment and Speculation.

Of how great natural and acquir'd Parts, of what exalted and brilliant Genius, and what a superior Foundation of Wisdom, Authority and Experience ought that Man to be, who sets up to be the *Guardian* of the Church, the Reformer of the Age, the Assertor and Vindicator of the *Canons, Laws, and Rules* of the Church, and in a word the Model of *Primitive Episcopacy*.

The J—dg—e of the C—n—st—y C——t of *Cork* is the Person with whom we dispute in this Case, and therefore in this *Letter* we will call him so, for fear that by often using the word B——p, we should give *Offence* to any of that *sacred Order* ; which as we intend not to do, we hope no Body will misunderstand us.

The Power of B—ps is by the Laws of the Land, very great and extensive, And who will begrudge it to them, when it is lodg'd in the Hands of Men remarkably *Good, Wise, and Beneficent*. When they make a *noble, proper, and kind Use* of it, *viz.* To do good, to bless Mankind, to conduct them in their way to Happiness here, and point out to them the *Path* that leads to future and eternal Happiness.

When they are Gentle, Modest, Humble and Benevolent, and treat even their Inferiors with Lenity, Generosity and the most gaining Methods ; when they use not *Haughtiness*, nor abuse their Power to hurt and distress, but like their great Master can condescend and rather relieve, than load Men of low Degree, Then are they great Ornaments to the Church, and useful to the Country. And Mr. D——s in some former Letters to me, says that to his Experience and Comfort, he then found such a B——p in your Town.

I say, when such are the Governors of our Church, they truly answer the great End of their high Station and Function. Then are they Ornaments to the Church, a most noble and powerful support of its Honour and Interest. Then like the bright Luminaries of Heaven, they move on their joyful Course, without Noise and Confusion, and with sweet Serenity and Cælestial Tranquility, like amiable Stars with their bright Lustre, benign Influences, and comforting Rays, make every Heart glad, and render every one under their Influence and Care, Easy, Happy and Joyous, and my Friend Mr. D—ll—s saith, that such was that worthy Prelate, whose Humility and Modesty are such, that it might offend him so publickly to tell his Name.

I neither know nor hear of any B—ps in *Ireland* who are reputed bad, and if in that sacred Order, there shou'd at any time be such, it is not the fault of the Office, but must be the Temper and failing of the Man, for even Men in the highest Stations, are but fallible.

To come then to our Purpose, comfort poor Mr. D—ll—s and let him not be ashamed of the lately intended Disgrace, seeing no Immoralities have either been charged to, or alledged against him ; we his Friends hope to see him escape, and come pure out of the Fire of his long, alas ! too long Prosecution and Misfortune.

For in our Opinion, notwithstanding of the Sentence lately pronounced against him, in his Absence, *Canon 71.* will and must relieve him.

By that *Canon* the Church has expressly declared, what is to be done, in Case a *Minister* who has committed, or is accus'd to have committed a *Crime* worthy of *Degradation*, either appears to hear Sentence, or is absent and will not, or cannot appear to hear it. In this *Canon* the B—p is directed, how to punish the Minister who by his absence is contumacious, and will

will not appear ; and how to proceed against the Minister who is present and submits to hear the Sentence pronounced.

By the Definitive Sentence of the *J—d—e* of the *C—fist—l C—rt* of *C—k*, which I have seen, the first is Mr. *D—ll—s*'s Case, for the attested Copy of the Sentence, alledges that he was Contumacious, and did not appear, and for that Reason Sentence was read and pronounced against *him*. Which we of his *Friends*, think is plainly, expressly, and directly contrary to the very Letter of said *Canon* ; for the Words relating to Mr. *D—ll—s*'s Case, are these, “ And
 “ upon Contumacy, for not appearing, shall first
 “ Suspend him, and afterwards (his Contumacy continuing) Excommunicate him.

C A N O N LXXI.

No Sentence of Degradation or Deposition to be pronounced against a Minister, but by the Bishop.

“ **W** H E N any Minister is complained of in
 “ any Ecclesiastical Court belonging to any
 “ Bishop, for any Crime, the Chancellor, Commissary, Official, or any other, having Ecclesiastical
 “ Jurisdiction, (to whom it shall appertain) shall
 “ expedite the Cause by Procceses, and other Proceedings against him ; and afterward (his Contumacy continuing) Excommunicate him. But if he
 “ appear and submit himself to the Course of Law,
 “ then the Matter being ready for Sentence, and the
 “ Merits of his Offence, exacting by Law, either
 “ Deprivation from his Living, or Deposition from
 “ the Ministry, no such Sentence shall be pronounced by any Person whatsoever, but only by the
 “ *Bishop*, with the Assistance of his Chancellor, the
 “ *Dean*

“ *Dean* (if they may conveniently be had) and some
 “ of the *Prebendaries*, if the Court be kept near the
 “ Cathedral Church, or of the *Archdeacon*, if he may be
 “ had conveniently, and two other at the least, grave
 “ Ministers and Preachers, to be called by the *Bishop*,
 “ when the Court is kept in other Places. It is like-
 “ wise ordered, that no Chancellor, Commissary,
 “ Official, or any other Person shall exercise any Ec-
 “ cleastical Jurisdiction, over a Minister in Causes
 “ Criminal, except he himself have been admitted
 “ into the Holy Order of Priesthood.”

If I and his Friends in *Trinity* may give our opi-
 nion, We think that a Sentence of Suspension by this
Canon, might have been pronounced against him ;
 But it is impossible both by the Letter and Sense of
 this *Canon*, as well as by the Practice of all *B—ps* in
 this Melancholy Case, that he or any Minister can be
 degraded in their Absence. For in the following part
 of the *Canon*, the Church directs how Degradation
 is to be performed, what Dignitaries and other
 Clergymen ought to be there, and expressly declares,
 that the Minister to be Degraded, must be present and
 submit, and no otherwise.

We have well considered this Matter, read and con-
 sulted the *Canon*, as well as such learned Civilians,
 as converse with us, and find that, that very Sen-
 tence which Condemns and Degrades him is an open,
 Explicit, and full *Br—ch*, and *V—l—n* of this 71
Canon. And if so, (tho’ it is but our private Judg-
 ment) then the Worthy and Learned *Ar—bp* of
C—l, who is now his Judge, will Impartially, Can-
 didly, and Justly, determine and declare, where the
V—l—n of the *Canon* lies, and no doubt without
 respect of Persons, he will suitable to his Character
 known Integrity, and love of Justice, lodge the Guilt,
 wherever he finds it, and by an honest, just, and
 disinterested Judgment, (for he is capable of no other)
 will bring the Person whether Mr. *D—n—s* or any
 other

other convicted of the wilful breach of the *Canon* to condign Punishment.

It would give vast Pleasure to his Friends here, and we have great hopes that he will be acquitted (as his Crime is not heinous or egregious) and that both for his and our Sakes. For we of *Trinity College*, have no small concern in the Event of his Trial. For, pray, to what purpose do we here spend our Parents Money, or our own Time, for what end do we Study and Labour so hard here, if after all, our Profession shall be useless, our Characters, our Livings, and our very Orders render'd precarious, if we thus lie at the Mercy of violent and arbitrary Men, and may be disgraced for so small, trivial, and slight faults, as he was? Nor, Sir, can this be deem'd presumption in us, when we have the united Body of the *Clergy* of *Ireland*, who may be charged with the same fault, and to this Day commit it daily all over *Dublin*, if it is any Crime.

Should any Man endeavour to ruin his Neighbour for a Fault, which he himself commits, and is convicted of the same Crime, aggravated by worse circumstances attending it (I name no Man, I suppose no Man capable of punishing another severely, for what he does openly and wilfully himself) but if this should at any time hereafter, or was ever in time past, the Case, then to the Guilty we apply, and not to the Innocent (for their Peace of Conscience preserves them) the consideration of the following pungent Questions in their private Meditations, and conscious Minds, partly taken out of the Scriptures, and partly deducted from Reason, and Profane Authors.

St. *Matt.* Chap. 7. Ver. 5. *Thou Hypocrite, first cast out the Beam out of thine own Eye, and then shalt thou see clearly, to cast out the Mote out of thy Brother's Eye.* And these Words of *Solomon*, *Prov.* Chap. 26. Verses 18, and 19. *As a mad Man, who casteth Fire-brands,*

*Fire-bands, Arrows and Death ; so is the Man that
deceiveth his Neighbour, and saith, am not I in Sport.*
And even a Heathen Poet justly observes,

Nec lex est justior ulla,

Quam necis artificem, arte perire sua.

I observe also, that in a Decree of Court, and in the said Sentence of Degradation, the J—ge of the C—st—y has not forgot to give Costs and Damages against him. He is by that Decree to pay all Costs had, or to be had in this Suit. And in an attested Copy of the Articles and Libels against him, exhibited in the said Court at the mere promotion of the Office, the J—ge of said Court, directs the Proctor of Office, not to streighten himself in taxing the Costs against said D—l—s. But is this the Spirit, is this the Genius of the Christian Religion summarily comprehended in the Grace of Charity ? Is this the Mercy and Compassion of a Christian and Protestant B—p, to a poor Clergyman.

Was not his daily Labour first taken from him, and by consequence so was his daily Bread ? Has he not been prosecuted by expensive Suits in *Cork, Cashell and Dublin*, enough to undo a poor Man who has not even a Curacy ? Have not his Office, his Orders, and Profession been taken from him by a Sentence of Degradation ? At the Visitation was there not an attempt by forcing the scandalous Submission upon him, to deprive him also of his Reason and Conscience, and to make him betray his Innocence, his Virtue, the Esteem of his Friends, and his good Name and Reputation ? And yet still more is wanted from him, and Resentment is not yet satiated, 'till he pays the Costs ? And what is left him to pay them, but his few Moveables, the Cloaths of him, his Wife and his Children. And if these are not sufficient, the Husband of this Wife, and the Father of these Children, must lie in Goal, to perish in Nastiness and Want, and the poor Infants, for the
Judges

Judges Displeasure to the Father, must be left to shift, and beg for themselves.

And what was this heinous Crime, what is this aggravated Sin, for which he and his, deserve to suffer all this? Because he wou'd not give a proper Submission, and if it had been only an Acknowledgment of any Offence given to the J——ge, said *M. D—ll—s* shou'd justly be reckoned Obstinate and Willful, if he had refused to give it.

But that, he had offer'd frequently, and was always ready to make any reasonable Submission; and *Jos. Rogers, M. D. Philip Oliver, Esq; Mr. Ald. Fuller, the Revd. Dr. Donellane, the Right Hon. Philip Lord Strangford, his Grace the Archbishop of Cashel, and Counsellor John Fitzgibbon,* were all so good, as to condescend, to go as Ambassadors of Peace from and for *M. D.* and by four Letters directed and delivered to his L———, and likewise by a verbal Message, and another in Writing sent to the said Bishop of C—k, and delivered to his Lordship by his own Son, he beg'd to know his Proposals, or what Terms he expected.

But when the J-d-e spoke out at last, and told what that Submission was, said *M. D—ll—s* found it impossible to give it. For it was to stand in a public Congregation, and in Time of Divine Service, to confess Crimes his Conscience did not charge him with, and to own himself a worthless and egregious Criminal, to declare before GOD and his People, that he was every way deserving of Degradation, and not so much as an Object of Mercy and Compassion.

These Terms were so hard, that *Mr. D—ll—s* chose rather to be degraded and keep his Innocence, and his Honour, than to escape that Disgrace and obtain any Favours, he was so dearly to purchase from the J—dg— of the C——st——y. So he left his Wife and Infants to the Care of GOD's Providence, and chose that they shou'd rather be
said

said to be the Children of an honest, but starving Father, than the Progeny of a Man, who to procure a poor contemptible Way of Life, gave up his Character, his Honour, his Innocence and his Reputation.

I must here desist, and refer the rest to some other Opportunity, which I hope I shall soon have, and believe me to be,

Dear SIR,

Your most Affectionate and Faithful,

Trinity-College,

Dub. April 20.

1749.

Humble Servant,

MISOPSEUDES.

EXTRACT out of CORK REGISTRY.

“ **W**E *Jemmet*, by Divine Providence, Lord
 “ Bishop of *Cork* and *Ross*, having heard,
 “ seen, and understood, fully and maturely dis-
 “ cuss’d the Merits and Circumstances of a certain
 “ Business of our meer Office, against *Marmaduke*
 “ *Dallas* of the City of *Cork*; within our Diocese
 “ of *Corke* Clerk, on certain Articles concerning
 “ his Soul’s Health, and the Reformation and
 “ Correction of his Manners, and Excesses, and
 “ more especially, the Crime and Offence of his
 “ unduly joining in Marriage, *Philip Oliver*, Esq;
 “ and *Lucy Grey*, late of the Parish of the *Holy*
 “ *Trinity*, otherwise call’d *Christ-Church*, in the City
 “ of *Cork* aforesaid Spinster, in a private Place,
 “ (to wit) in the Dwelling-house of *Quintin Osburn*
 “ of the said Parish Merchant; which said Business
 “ has been depending and remains undetermin’d
 “ before Us in Judgment, in our Consistory Court
 “ aforesaid, and in which said Business the said
 “ *Marmaduke Dallas* Clerk, was duly cited to appear
 “ to hear Sentence in the said Business, on this Day,
 “ and at this Hour and Place, and *Thomas Alleyn*,
 “ Proctor of Office, appearing before Us, praying
 “ Right

“ Right and Justice to be done, and that Sentence
 “ be given in the Business aforesaid against *Marmaduke Dallas*, the said *Marmaduke Dallas*, being
 “ three Times publicly called to appear, contumaciously absenting himself, whose Absence is supplied by the Presence of *God*; and we having first
 “ carefully and diligently searched into and considered
 “ the whole Proceedings had and done before us, in
 “ the Business, and having observed all and several the
 “ Matters and Things, that by Law, in this Behalf ought
 “ to be observed: We have thought fit, and do thus
 “ think fit to proceed to the giving of our Definitive Sentence, or final Decree in this Business, in
 “ Manner and Form following. We have found,
 “ and it does evidently appear unto Us, that our
 “ said Proctor of Office hath sufficiently, and fully
 “ founded and proved his Intention deduced in
 “ certain Articles or Interrogatories exhibited and
 “ admitted in this Business in Judgment, and by
 “ the personal Answer of the said *Marmaduke Dallas* Clerk, also exhibited, and admitted in Judgment in this Business, and now remaining in the
 “ Registry of the Court (which said Articles) and
 “ other Matters propounded, exhibited and admitted in this Business, we take and will have taken,
 “ as if here read and inserted, and as the said *Marmaduke Dallas* has submitted to, and confess’d all
 “ the several Articles exhibited against him, Therefore we the said *Jemmet* Lord Bishop of *Cork* and
 “ *Ross*, having first call’d upon the Name of *Christ*,
 “ and having God alone before our Eyes, and
 “ having heard Counsel of such of our Clergy as
 “ we conversed with hereon, do pronounce, decree
 “ and declare that said *M. D.* being a Priest or
 “ Minister of the Word of God, in Holy Orders,
 “ and not benefic’d, did on the 6th of *April*, in the
 “ Year of our Lord 1748, unduely solemnize a
 “ Marriage, and join together in Holy Wedlock,
 “ *Philip*

“ *Philip Oliver*, Esq; and *Lucy Grey*, now *Oliver*,
 “ his Wife, in a private Place, to wit, in the House
 “ of *Quintin Osborn* of our City and Diocess of
 “ *Cork*, Merchant, contrary to the Laws in that
 “ Case made and provided, and that the Banns of
 “ such Marriage was not duly publish'd, previous
 “ to the said Marriage, and that no Licence was
 “ obtain'd, or did issue to impower or authorize
 “ him, to marry the said *Philip Oliver* and *Lucy*
 “ *Grey* together.

“ Therefore We pronounce, decree and declare,
 “ that the said *M. D.* hath fallen under the Pain
 “ and Penalty of the Law in this Case made and
 “ provided, whereas the said *M. D.* hath no Ecclesia-
 “ stical Benefice, from which He may be deprived,
 “ therefore We the said *Jemmet*, Lord Bishop of
 “ *Cork and Ross*, do hereby degrade the said *M. D.* and
 “ do hereby altogether depose, and remove the said
 “ *M. D.* from his Ministerial Office, and Clerical Or-
 “ ders, and from every Office pertaining to a Clergy-
 “ man. And We do again, reduce Him to the
 “ Degree and Order of a Lay Person, and one of
 “ the Laity to all Intents and Purposes, and do con-
 “ demn the said *M. D.* to all the Cost, had and to
 “ be had hereafter, in this Business by this our defi-
 “ nitive Sentence, or final Decree, which We read
 “ and pronounce by these Writings, but the Taxa-
 “ tion of which Cause, We refer and reserve to
 “ ourselves or other competent Judge. This Sen-
 “ tence was read and pronounced this 14th Day of
 “ *April* 1749. By us

Present,

St. John Brown,

Samuel Broom,

Peter Waterhouse,

Thomas Millard,

Thomas Weeks, Register.

Jemmet, Cork and Ross.



F I N I S.

